

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**Criminal No. 1:08cr 132-1-WJG-JMR**

**v.**

**GREGORY BRENT WARR and  
LAURA JEAN WARR**

**GOVERNMENT'S RESPONSE  
IN OPPOSITION TO DEFENDANT'S MOTION  
FOR A JUROR QUESTIONNAIRE**

The United States of America, (hereinafter the "Government") respectfully submits this response in opposition to Defendant Gregory Brent Warr's Motion for a Juror Questionnaire.

The defendant has put forth no basis for the use of a questionnaire in the instant case other than he wants one. The preferred method and more cost effective method of jury selection is face to face in the courtroom. This District has never unduly restricted attorneys in the conduct of voir dire such that a questionnaire is needed to select a fair and impartial jury. Counsel is given ample opportunity to flesh out any potential juror biases in the open and public courtroom required under our system of jurisprudence. A request for a juror questionnaire in a Katrina fraud case has previously been denied in this District for the reason that it is not necessary, particularly given the latitude counsel

is given in the selection process. There have been at least nine trials regarding Katrina fraud conducted in this division and never before has the Court found it necessary to utilize questionnaires. There is nothing about this case that distinguishes it from the others in terms of the ability of the Court to instruct the jury and find a fair and impartial jury to try the issues.

A potential concern in the instant case is the pre-trial publicity accorded the matter as a result of the defendant's political status. The use of a questionnaire will only add to pre-trial information being disseminated as it is likely that the press will obtain a copy of the questionnaire from some source. A juror questionnaire is just one more opportunity for the press to comment and try the issues outside of the courtroom, exactly the thing we hope to avoid.

The danger of a tainted jury pool is much greater with an advance questionnaire not only from the prospect of publicity surrounding the questions themselves, but also to alert potential jurors to the possibility they will be called and give them significant opportunity to conduct their own investigation. With the selection process conducted in the courtroom, the Court provides the members of the venire with specific instructions which they are presumed to follow. The same degree of instruction and comprehension is not available through a written format. Absent the in court, in person admonitions given by this Court to potential jurors not to make inquiries or pay attention to media presentations, the risk is great that jurors will form opinions prior to the trial of the case. The time constraints of immediately seating a jury allows for a check on human curiosity and/or pre-deliberation independent inquiry. Given such risk of exposure whether

deliberate or unintentional, the time, labor, and cost to the Court of juror questionnaires provides no benefits.

Accordingly, for the foregoing reasons, defendant's motion for juror questionnaires should be denied.

Respectfully submitted this 1st day of June, 2009.

Respectfully submitted,  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2009, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Joe Sam Owen, Attorney for Defendant Gregory Brent Warr

Frank Trapp, Attorney for Defendant Laura Jean Warr

s/Annette Williams  
Assistant U.S. Attorney